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Attorneys for Plaintiff and Defendant on the Counterclaim
 DQ TECHNOLOGY, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DQ TECHNOLOGY, INC.) No. C 06-06596 MHP
 Plaintiff,)

vs.)

WILLIAM J. MURPHY, an individual; and)
 JERRY MCINNES, an individual,)
 Defendants.) **STIPULATION AND
 ORDER OF DISMISSAL
 OF ACTION WITH PREJUDICE**
 Rule 41(a)(1), Fed. R. Civ. P.

WILLIAM J. MURPHY, an individual;
 Counter-Claimant,

vs.

DQ TECHNOLOGY, INC.,
 Counter-Defendant.

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff and Defendant on the Counterclaim DQ Technology, Inc. ("DQ"), Defendant and Counter-Claimant William J. Murphy ("Murphy") and Defendant Jerry McInnes ("McInnes") ("the Parties" collectively, and "Party" individually) hereby stipulate and agree, as follows:

The Parties have agreed upon a confidential settlement of this entire action that is satisfactory to all Parties. As such, the above-captioned action, including all of the claims and

1 the counterclaim brought therein, shall be and is hereby dismissed *with prejudice* pursuant to
2 Rule 41(a)(1). Each Party will bear its own costs and attorneys' fees in this action.

3 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

4 Dated: April 30, 2007

HOLLAND & KNIGHT LLP

6 By: Matthew P. Vafidis

Matthew P. Vafidis

7 Attorneys for Plaintiff and Defendant on
8 the Counterclaim
9 DQ TECHNOLOGY, INC.

10 Dated: April 30, 2007

DRINKER BIDDLE & REATH LLP

11 By: Steven M. Selna

12 Steven M. Selna
Cheryl A. Sabnis

13 Attorneys for Defendant
14 JERRY MCINNES

15 Dated: April 30, 2007

BARNETT BROOKS & ASSOCIATES, LLC

16 By: Barnett Q. Brooks

Barnett Q. Brooks

17 Attorneys for Defendant and
18 Counterclaimant WILLIAM J. MURPHY

19 **ORDER**

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: May 3, 2007

22 The Honorable
23 United States

24 **IT IS SO ORDERED**

25 Marilyn H. Patel
26 Judge Marilyn H. Patel
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